

PAGE 1/14 * RCVD AT 4/9/2010 11:40:13 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/2 * DNIS:2702374 * CSID:McGuireWoods LLP * DURATION (mm-ss):02:36

**Proposed Amendment
for Discussion Purposes Only**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Eugene Rider, *et. al.*

Serial No.: 10/757,578

Confirmation No.: 4543

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Group Art Unit: 3691

Examiner: Bijendra K. Shrestha

For: **KNOWLEDGE PORTAL FOR EVALUATING PRODUCT ATTRACTIVENESS
AND RISK**

Mail Stop: Amendment
Commissioner for Patents
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Alexandria, VA 22313-1450

SUPPLEMENTARY PROPOSED CLAIM AMENDMENTS

Sir:

The following is a proposed Amendment solely for the Examiner's review for potentially achieving allowance of the pending claims by way of an Examiner Amendment.

If any fee, including an extension of time, is required to maintain this application pending, then such fee may be authorized to be charge (or overcharges refunded) to Deposit Account No. 23-1951.

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PROPOSED AMENDMENTS TO THE CLAIMS

Please **CANCEL** claims 1-16, 42, 36 and 37; and **AMEND** claims 17, 18, 35 and 43 as shown below. The following is a complete list of all claims in this application.

Claims 1 – 16 (cancelled)

17. (currently amended) A computer-implemented method for assessing product risk comprising the steps of:

providing predetermined attractiveness scores associated with one or more product attributes and one or more age brackets for a product, wherein the providing occurs prior to a market introduction of the product;

prompting for feedback relating to each of the one or more product attributes;

prompting for mitigation feedback;

generating a composite attractiveness score and a composite mitigation score based on the feedback;

generating a composite product score based on a difference between the composite attractiveness score and the composite mitigation score for an age group;

computing at least one product score for the one or more product attributes based on the predetermined attribute scores and the feedback; and

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outputting the at least one product score and the composite product score to be used at least in part to change a design criteria of the product,
wherein the providing, prompting, computing and outputting steps are performed by a computer.

18. (currently amended) The method of claim 17, further comprising the ~~[[steps]]~~ step of:

~~prompting for mitigation feedback; and~~

generating at least one mitigation score based on the mitigation feedback, wherein the mitigation score provides a mitigation to the at least one product score.

19. (original) The method of claim 18, wherein the mitigation feedback relates to at least one of a caregiver perception, a user perception, a value, and a labeling effectiveness.

20. (original) The method of claim 18, further comprising the steps of:
generating a composite mitigation score associated with one or more age brackets and based on the at least one mitigation score;
generating a composite attractiveness score based on the one or more age brackets and based on the at least one attractiveness score; and

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generating a composite product score based on the composite attractiveness score and the composite mitigation score, wherein the composite mitigation score offsets the composite attractiveness score.

21. (original) The method of claim 20, wherein the composite product score is indicative of risk level for a certain age group using a certain product.

22. (original) The method of claim 18, wherein the mitigation score is color coded.

23. (original) The method of claim 17, wherein the one or more product attributes include at least one of a sensory attribute, a physical attribute, and a cognitive attribute.

24. (original) The method of claim 23, wherein the sensory attribute includes at least one of a image attribute, a color attribute, a texture attribute, a movement attribute, a light attribute, a sound attribute, a smell attribute, and a taste attribute, and wherein the cognitive attribute includes at least one of a challenge attribute and an influential attribute.

25. (original) The method of claim 24, wherein the image attribute includes at least one of a no face, a simple outline of a face, a representation of a

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human face, a representation of a recognizable character, a representation of a generic character, a recognizable object, and an abstract recognizable image.

26. (original) The method of claim 24, wherein, the color attribute includes at least one of a non-primary/neutral color, a primary/bright color, a black and white color, multiple contrasting colors, and a shiny/reflective color.

27. (original) The method of claim 24, wherein, the challenge attribute includes at least one of opportunity for intellectual challenge and no opportunity for intellectual challenge.

28. (original) The method of claim 23, wherein the physical attribute includes at least one of no physical opportunity, encouraging gross motor skills, encouraging individual fine motor skills, and interactive physical activity attribute.

29. (original) The method of claim 17, further comprising the steps of:
providing one or more predetermined exploration scores
having one or more exploration attributes and one or more age brackets;
prompting for feedback relating to one or more exploration questions, each of the one or more exploration questions having an associated one of the one or more predetermined exploration scores; and
generating an exploration summary score based on affirmatively answered questions of the feedback and corresponding associated one

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or more predetermined exploration scores associated with the affirmatively answered questions, the exploration summary having the one or more exploration attributes and the one or more age brackets,

wherein the exploration summary is indicative of behavior preferences by the one or more age brackets and the one or more exploration attributes.

30. (original) The method of claim 29, wherein the one or more exploration attributes include at least one of a mouthing object, an alternating mouthing and looking object, a rotating object, a first insertion attribute, a second insertion attribute, a transferring hand to hand attribute, a banging objects attribute, a dropping objects attribute, a throwing objects attribute, a combining objects, a using appropriately attribute, a representational play attribute, a using imaginatively object attribute, and a testing the limits attribute.

31. (previously presented) A computer-implemented method for assessing product risk comprising the steps of:

providing predetermined attractiveness scores associated with one or more product attributes and one or more age brackets for a product, wherein the providing predetermined attractiveness scores occurs prior to a market introduction of the product;

providing predetermined mitigation scores associated with one or more mitigation categories and the one or more age brackets;

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generating a composite attractiveness score and a composite mitigation score based on feedback; and

generating a composite product score based on a difference between the composite attractiveness score and the composite mitigation score for an age group,

wherein each of the providing and generating steps execute on a computer platform.

32. (original) The method of claim 31, wherein the composite product score is indicative of at least one of behavioral attractiveness and risk.

33. (original) The method of claim 31, further comprising the steps of:

providing one or more predetermined exploration scores having one or more exploration attributes and one or more age brackets;

prompting for feedback relating to one or more exploration questions, each of the one or more exploration questions having an associated one of the one or more predetermined exploration scores; and

generating an exploration summary score based on affirmatively answered exploration questions using the one or more predetermined exploration scores associated with the affirmatively answered questions,

wherein the exploration summary is indicative of behavior preferences by the one or more age brackets and the one or more exploration attributes.

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34. (original) The method of claim 31, wherein the one or more product attributes include at least one of a sensory attribute, a physical attribute, and a cognitive attribute and the one or more mitigation categories includes at least one of a caregiver perception, a user perception, a value, and a labeling effectiveness.

35. (currently amended) A system for assessing product attractiveness and risk, comprising:

a first component embodied in a storage medium to provide predetermined attractiveness scores associated with one or more product attributes and one or more age brackets for a product, wherein the first component provides predetermined attractiveness scores prior to a market introduction of the product;

a second component embodied in a storage medium to prompt for feedback relating to each the one or more product attributes; and

a third component embodied in a storage medium to compute a product attractiveness score for the one or more product attributes based on the predetermined attribute scores and the feedback.

a fourth component embodied in a storage medium to prompt for mitigation feedback; and

a fifth component embodied in a storage medium to generate mitigation score based on the mitigation feedback; and

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a sixth component embodied in a storage medium to generate
and output a composite product score based on a difference between the
attractiveness score and the mitigation score.

36-37. (cancelled)

38. (original) The system of claim 35, wherein the composite product
score is indicative of risk level.

39. (original) The system of claim 35, wherein the mitigation score and
attractiveness score are color coded.

40. (original) The system of claim 35, further comprising:
a means for providing one or more predetermined exploration
scores having one or more exploration attributes and one or more age brackets;
a means for prompting for feedback relating to one or more
exploration questions, each of the one or more exploration questions having an
associated one of the one or more predetermined exploration scores;
a means for generating an exploration summary score based
on affirmatively answered questions of the feedback and corresponding associated
one or more predetermined exploration scores associated with the positively
answered questions, the exploration summary having the one or more exploration
attributes and the one or more age brackets,

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wherein the exploration summary is indicative of behavior preferences by the one or more age brackets and the one or more exploration attributes.

41. (original) The system of claim 40, wherein the one or more exploration attributes include at least one of a mouthing object, an alternating mouthing and looking object, a rotating object, a insertion (body into object) attribute, a insertion (object into body) attribute, a transferring hand to hand attribute, a banging objects attribute, a dropping objects attribute, a throwing objects attribute, a combining objects, a using appropriately attribute, a representational play attribute, a using imaginatively object attribute, and a testing the limits attribute.

42. (cancelled)

43. (currently amended) The method of claim 17, wherein the providing step occurs during product-design of the product.

44. (previously presented) The method of claim 31, wherein the providing predetermined attractiveness scores step occurs during design of the product.

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45. (previously presented) The method of claim 35, wherein the providing predetermined attractiveness scores step occurs during design of the product.

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REMARKS

The proposed above amendments to the claims would cancel the previously withdrawn claims as identified above, and amend claims 17 and 18, and claims 35, 36 and 37 in accordance with a conversation with Examiner Bijendra K. Shrestha on April 7, 2010 and April 9, 2010, who identified probable subject matter that likely place the pending claims in condition for immediate allowance. Claim 17 has been amended to incorporate certain subject matter from claims 18 and 31 into independent claim 17. Claim 18 has been amended accordingly. Claim 35 has been amended to include the subject matter of claims 36 and 37 to achieve allowance. Claims 36 and 37 being cancelled without prejudice or disclaimer. The amendments are self-supporting as the subject matter was previously present in the claims, as originally filed. An Examiner amendment is proposed to achieve allowance of the pending claims. Claim 43 is proposed to be amended to better specify the claimed invention.

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If further discussion is deemed necessary by the Examiner, a call to the undersigned is welcomed at the number below. Applicant requests reconsideration and requests immediate allowance of all the proposed pending claims.

Respectfully submitted,



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